

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 1:17CR90

MARIA TERESA DUARTE GODINEZ,
ALFONSO FONTY JAIMES

TRANSCRIPT OF SENTENCING HEARING

BEFORE THE HONORABLE LOUIS GUIROLA
UNITED STATES DISTRICT JUDGE

DECEMBER 20, 2018
GULFPORT, MISSISSIPPI

APPEARANCES:

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1 **THE COURT:** Madam clerk, you may call the case.

2 **THE CLERK:** The United States District Court for the
3 Southern District of Mississippi, Southern Division, Criminal
4 Case Number 1:17cr90, United States of America versus Alfonso
5 Fonty Jaimes and Maria Teresa Duarte Godinez, set for
6 sentencing.

7 **THE COURT:** What says the government?

8 **MS. COLE:** Good morning, Your Honor. Shundral Cole
9 for the government, and we are ready.

10 **THE COURT:** What says the defendant, Jaimes?

11 **MS. ALLRED:** We are ready to proceed, Your Honor.

12 **THE COURT:** What says the defendant, Godinez?

13 **MR. PISARICH:** Yes, Your Honor. Keith Pisarich
14 present for the defendant, Maria Teresa Duarte Godinez. Also
15 present in the courtroom, of course, is my client, along with
16 the court's interpreter, Ms. Caldwell. We are ready to
17 proceed.

18 **THE COURT:** Very well. Let the record reflect that
19 the Court has decided to conduct the sentencing hearing in this
20 matter as to both defendants at the same time. The issues are
21 the same, the objections raised in the presentence
22 investigation report are identical, and they are both charged
23 in the same indictment. Does the government have any objection
24 to taking up both of these sentencing hearings at the same
25 time?

1 **MS. COLE:** No, Your Honor.

2 **THE COURT:** Does the defendant Jaimes have any
3 objection?

4 **MS. ALLRED:** We don't, Your Honor.

5 **THE COURT:** Does the defendant Godinez have any
6 objection?

7 **MR. PISARICH:** No, Your Honor, we don't, but I do
8 have an announcement to the Court. As stated in our objections
9 to the presentence investigation report, we have made an
10 objection as far as mitigating role, a minor participant. If
11 the Court would allow us, we would like to withdraw that
12 objection, as well as we would like to make sure the Court is
13 specifically aware that we did make an objection with regard to
14 possession of the gun, and the gun that we're referring to in
15 that particular matter, I wasn't as specific as I should have
16 been, was the nine-millimeter gun that was found on Ms.
17 Snodgrass' possession when she was arrested. That's the gun
18 that we were referring to. I had put gun.

19 **THE COURT:** Yeah, I think that's -- that's my
20 understanding as well, which is the same objection made by Mr.
21 Jaimes.

22 **MS. ALLRED:** It is, Your Honor. And after filing the
23 objection, Ms. Snodgrass made it to the district. And when I
24 interviewed her, she gave me facts that I think are those that
25 we're not able to overcome. If she were called to the stand,

1 which I think she will be, and we can get into it then, I think
2 she is going to testify essentially that she told the
3 defendants that she had a gun with her. So we would stipulate
4 to those facts, that maybe there was knowledge that they had
5 the gun. And it just becomes a legal question at that as to
6 whether I guess the other facts that Ms. Snodgrass will testify
7 to, such as the fact that she had had the gun long before she
8 went on these trips, I think -- what I'm saying to the Court
9 is, that is the extent of my objection, whether under the facts
10 that I think are going to be elucidated when she testifies,
11 whether it is appropriate to hold all of them responsible for
12 the gun.

13 **THE COURT:** Fair enough. We will take those matters
14 up one at a time.

15 **MR. PISARICH:** I think, Your Honor, I likewise
16 interviewed Ms. Snodgrass, and I think that's pretty well the
17 same understanding I had after interviewing her, as far as what
18 she would say referencing the gun, the nine-millimeter.

19 **THE COURT:** What you are telling me is that it may
20 not be a factual dispute but instead a question of application
21 of that particular guideline to those facts?

22 **MS. ALLRED:** Yes, Your Honor.

23 **MR. PISARICH:** Yes, Your Honor.

24 **THE COURT:** Let me take up a couple of housekeeping
25 matters first. Insofar as Ms. Godinez is concerned, it is my

1 understanding, Mr. Pizarich, that she is in the need of a court
2 interpreter. And to that end, we have Ms. Balbina Caldwell
3 here. Is that accurate?

4 **MR. PISARICH:** I missed the first part.

5 **THE COURT:** Your client needs the services of an
6 interpreter, is my understanding.

7 **MR. PISARICH:** She feels much better, Your Honor,
8 with the services of an interpreter. She does speak some
9 English. I have been able to communicate back and forth with
10 her to a certain degree, but as far as the sentencing, I think
11 it would be out of an abundance of caution for the Court to use
12 the services of an interpreter.

13 **THE COURT:** Well, to that end, of course, we have
14 asked Ms. Caldwell to join us. Unfortunately, Ms. Caldwell is
15 not a certified court interpreter. However, in my judgment,
16 she is an exceptionally gifted interpreter and has demonstrated
17 that ability many times. Does Ms. Godinez have any objections
18 to the use of Ms. Caldwell as the interpreter here?

19 **MR. PISARICH:** She has just been asked that question
20 by the interpreter, and she has responded no. We have used Ms.
21 Caldwell in the past, I think at the plea, and everything went
22 well then.

23 **THE COURT:** Very well. Without objection then, the
24 Court does find that a certified court interpreter is not
25 reasonably available at this time. However, Ms. Caldwell has

1 demonstrated her -- I think I referred to it as a gift, but her
2 skill as serving as an interpreter and will do so here today.
3 Would the clerk of the court please swear in the court
4 interpreter.

5 (OATH ADMINISTERED TO INTERPRETER).

6 **THE COURT:** All right. Well, let the record reflect,
7 before we get too very much along, that I did conduct a very
8 brief in-chambers conference with counsel for the government,
9 counsel for both defendants, and the probation office was
10 present as well. At that particular time, I was advised by Ms.
11 Allred that she intended to call one of the confidential
12 informants, Ms. Snodgrass, to the stand to produce some
13 testimony which may be in conflict with some of the materials
14 that she provided or some of the information that she provided
15 to the case agent and which ultimately found its way into the
16 presentence investigation report. So I ask you, Ms. Cole, is
17 the agent who interviewed Ms. Snodgrass available today?

18 **MS. COLE:** Yes, Your Honor, he is present in the
19 courtroom.

20 **THE COURT:** All right. Very good. Let's take this
21 matter up then. First of all, we will deal with the
22 guidelines. Ms. Cole, on behalf of the government, did you
23 receive the presentence investigation report?

24 **MS. COLE:** Yes, Your Honor.

25 **THE COURT:** And did you have an opportunity to go

1 over it?

2 **MS. COLE:** I did, Your Honor.

3 **THE COURT:** Does the government have any objections
4 either to the findings of fact or the application of the
5 guidelines in either of the reports dealing with Mr. Jaimes or
6 with Ms. Godinez?

7 **MS. COLE:** No, sir, Your Honor.

8 **THE COURT:** Very well. Ms. Allred, on behalf of Mr.
9 Jaimes, did you have an opportunity to observe and to read and
10 to go over the presentence investigation report with him?

11 **MS. ALLRED:** I did, Your Honor.

12 **THE COURT:** In your judgment, did he understand the
13 findings of fact and the application of the guidelines
14 contained in the report?

15 **MS. ALLRED:** He did, Your Honor. He's been very
16 helpful in helping me develop evidence maybe that is not
17 consistent with the presentence report.

18 **THE COURT:** All right. I'm aware that you've made
19 two objections --

20 **MS. ALLRED:** That's correct.

21 **THE COURT:** -- to the presentence investigation
22 report. Those are in writing. But would you encapsulate those
23 two objections for the record so that we can frame the issues?

24 **MS. ALLRED:** Yes, sir. Keep in mind, Your Honor,
25 that when I filed these objections, it was before I had had an

1 opportunity to interview Ms. Snodgrass personally.

2 **THE COURT:** Sure.

3 **MS. ALLRED:** But the gist of the first objection is
4 that Mr. Jaimes qualifies for a minor role, that he played a
5 significantly -- I guess a significantly less role than the
6 other players in this drug trafficking conspiracy.

7 And then the other objection has to do with the firearm.
8 And again, it was prior to the time that I had an opportunity
9 to interview Ms. Snodgrass.

10 And therefore, I think that we are clear on what the facts
11 are going to show. I think the facts are going to show that
12 Ms. Snodgrass will testify that she always carried a gun with
13 her, that she purchased the gun several years before she began
14 carrying it, that she advised both Mr. Jaimes and Ms. Godinez,
15 I guess in passing, that she carried a gun. So the question
16 becomes really was that gun there to facilitate this drug
17 transaction and was -- or is it also attributable to Mr.
18 Jaimes. So those are the two objections.

19 And before I cede the floor, it is my understanding that
20 although the government says they don't object to the facts in
21 the presentence report, that they neither -- that they agree
22 that a minor role as participant for Mr. Jaimes is appropriate
23 in this case. And of course, recognizing the fact that the
24 Court isn't bound by that, and to the extent -- I think it is a
25 good idea to put Ms. Snodgrass on the stand because if the

1 Court were to simply go with what the parties think is
2 appropriate without putting on any testimony, we would be left
3 with a presentence report that has facts that are inconsistent
4 with both the parties' agreement, as well as a ruling.

5 **THE COURT:** All right. I think your points are well
6 taken, Ms. Allred. The fact that you have called Ms. Snodgrass
7 and we are going to hear from her under oath is very helpful to
8 the Court, because there are inconsistencies in what she has
9 said, and it is important to try to nail down how that happens
10 and how the probation officers are literally left holding the
11 bag with information contained in DEA-6s and FBI 302s that are
12 later inconsistent with what the informants say.

13 You know, having had some experience in not only being a
14 judge, but as a prosecutor and as a law enforcement officer, I
15 understand how that can occur, but we need to pin it down, and
16 we need to find out how and under what circumstances that
17 occurred.

18 **MS. ALLRED:** Your Honor, if I may, I guess sort of as
19 an opening statement, I think that when a person is interviewed
20 can play a part in how a report is crafted. When Ms. Snodgrass
21 was interviewed, this case was very small and very focused, and
22 this is what was known. And as the facts began to develop and
23 the sphere begins to spread, I think it is less the fact that
24 reports are wrong. It's just that they don't necessarily
25 describe the big picture.

1 **THE COURT:** Well, we will hear what Ms. Snodgrass has
2 to say, and both sides will have a full opportunity to require
3 her to, shall we say, experience the crucible of both direct
4 and cross-examination.

5 **MS. ALLRED:** Yes, sir.

6 **THE COURT:** All right. Mr. Pizarich, on behalf of
7 your client, Ms. Godinez, did you also have an opportunity to
8 go over the presentence investigation report with her?

9 **MR. PISARICH:** I did, Your Honor.

10 **THE COURT:** Did you find it necessary to use an
11 interpreter for that?

12 **MR. PISARICH:** I did, Your Honor, use an interpreter,
13 at least on I think one or two occasions, and talked back with
14 her on maybe one or two more.

15 **THE COURT:** In your judgment, did she understand the
16 presentence investigation report and the application of the
17 guidelines as contained in the report?

18 **MR. PISARICH:** She did, Your Honor. She did.

19 **THE COURT:** All right. And I understand that even
20 though you made two objections that were in writing, and you
21 intend to withdraw one, why don't you go ahead and state into
22 the record what those objections are and those that are
23 withdrawn so that we can frame the issues.

24 **MR. PISARICH:** Right. Your Honor, I think one thing
25 we don't need to get into right now, even though I made a

1 reference to it in my -- from paragraph 22 of the report, in my
2 paragraph 22, is my client's either knowledge or lack of
3 knowledge of this heroin or black heroin that was found with
4 Ms. Snodgrass. That's not going to affect the computation, so
5 we will withdraw that, if the Court please. The computations,
6 even without it, go to the max.

7 **THE COURT:** Have you discussed that with your client?

8 **MR. PISARICH:** Yes, Your Honor.

9 **THE COURT:** Is she in agreement with that?

10 **MR. PISARICH:** Yes, Your Honor.

11 **THE COURT:** Is that correct, Ms. Godinez, that you
12 are in agreement to withdraw that objection?

13 **DEFENDANT GODINEZ:** Yes.

14 **MR. PISARICH:** The issue is, Your Honor, we are
15 withdrawing the objection. We are not basically admitting that
16 she had because there is no sense in prolonging the hearing if
17 the outcome either way is the same result insofar as the base
18 offense level. That's my point.

19 **THE COURT:** All right.

20 **MR. PISARICH:** Again, Your Honor, on paragraph 77, as
21 far as the offense level computation, we object to the
22 nine-millimeter gun that was found in Ms. Snodgrass' possession
23 being attributable to my client, if the Court please. Again,
24 in paragraph 78, that's the one where we made an objection
25 insofar as role in the offense. We have, as previously stated

1 to the Court this morning, withdrawn that objection, if the
2 Court please.

3 And that's --

4 **THE COURT:** I presume that you have discussed that
5 also with your client and withdrawn that objection as to the
6 role adjustment?

7 **MR. PISARICH:** I did. As soon as we came out of that
8 conference with the interpreter, I discussed that with my
9 client, and she agrees to do what I'm announcing to the Court,
10 withdraw that objection with the Court.

11 **THE COURT:** Is that correct, Ms. Godinez?

12 **DEFENDANT GODINEZ:** Yes.

13 **THE COURT:** Very well. That objection is withdrawn.
14 All right. I think it best, for the purposes of the two
15 objections that remain on behalf of Mr. Jaimes and the one
16 objection that remains on behalf of Ms. Godinez, is that we go
17 ahead and take up the testimony of Ms. Snodgrass and get that
18 behind us. Would that process be acceptable to the government?

19 **MS. COLE:** Yes, Your Honor.

20 **THE COURT:** Ms. Allred, would that be acceptable to
21 your client?

22 **MS. ALLRED:** It would, Your Honor. And I would
23 request, since I brought Ms. Snodgrass to the district to call
24 as a witness on Mr. Jaimes' behalf, that I do direct.

25 **THE COURT:** All right. And Mr. Pisarich, is that

1 process all right with you?

2 **MR. PISARICH:** That's fine with me, Your Honor, as
3 long as I have the potential to ask some questions, if
4 necessary.

5 **THE COURT:** But of course. Is Ms. Snodgrass
6 represented by counsel?

7 **MS. ALLRED:** She was represented in the underlying
8 case by Doyle Coats, and prior to my reaching out to Ms.
9 Snodgrass -- initially, I reached out by phone to see if I
10 could speak to her without actually bringing her to the
11 district, but she -- she, I think, wisely declined to speak to
12 me without first speaking to the government. Mr. Coats said he
13 no longer represented her, so when I brought her here, I
14 interviewed her myself. I think she has also been in contact
15 with, not directly, the government, but has also met with the
16 agent who conducted the initial interview at least once -- one
17 time?

18 **AGENT:** I met with her twice.

19 **MS. ALLRED:** Twice since she has been here.

20 **THE COURT:** All right. More directly, is she
21 represented today by counsel?

22 **MS. ALLRED:** No, she's not, and nor do I anticipate
23 that she is going to be asked any questions that would tend to
24 incriminate her.

25 **THE COURT:** That's my concern here, that --

1 **MS. ALLRED:** I guess neither party, I think, and
2 correct me if I am wrong, but neither the agents, the FBI, or I
3 think that once she testifies that she will have made any false
4 statements. I think we are all in agreement on what she has
5 told them and what she has told me.

6 **THE COURT:** Let me ask you this hypothetical
7 question. I don't know what Ms. Snodgrass is going to say
8 under oath.

9 **MS. ALLRED:** Sure.

10 **THE COURT:** I only have the representation that
11 you've made, Ms. Allred as an officer of the Court, that there
12 will be inconsistencies in what she has said to you and what
13 she has said to an investigator, I presume a DEA -- Ms. Cole, a
14 DEA agent?

15 **MS. COLE:** FBI, Your Honor.

16 **THE COURT:** An FBI agent. That could very well
17 expose her to a new or a different prosecution for making a
18 false statement to that FBI agent. Under those circumstances,
19 are we treading in dangerous waters here by requiring Ms.
20 Snodgrass under oath to tell us that she told the FBI agents
21 something that wasn't true?

22 **MS. ALLRED:** I don't think she did.

23 **THE COURT:** Speaking hypothetically.

24 **MS. ALLRED:** Hypothetically, I don't think she did.
25 I think that -- I'll give an example. Like the initial reports

1 would say things like she worked for Teré and her husband. And
2 Teré's husband was there. Okay. But what exactly it was that
3 he was doing -- the devil is going to be in the details. I
4 can't speak for FBI and the government, but I don't think that
5 anybody thinks that she has at any time lied to the FBI or that
6 her statements that she is going to make today are inconsistent
7 with anything she has ever said from the get-go.

8 **THE COURT:** I'm just looking at the presentence
9 investigation report, starting with paragraph 28. "When
10 questioned further about the involvement of Godinez and her
11 husband, she claimed that Godinez handled the business part.
12 Snodgrass knew that she personally knew Godinez would wire
13 funds to Mexico. Snodgrass further stated that she turned her
14 receipts for travel in to Godinez, who reimbursed her."

15 The next paragraph deals with Mr. Jaimes. "Snodgrass
16 stated that Alfonso Jaimes was more operationally involved in
17 the drug transaction organization, the DTO, and often paid her
18 for her services as a courier in cash or drugs for payment.
19 She stated that she bought an ounce of methamphetamine at a
20 time from Jaimes because she could purchase it for \$400, and
21 would make this purchase once a month. When she was paid in
22 cash, Snodgrass would often use the money to fund prepaid
23 MasterCard and American Express and did not deposit the money."

24 In paragraph 30, "Snodgrass advised that Godinez and
25 Jaimes lived in south Austin, Texas, and she had gone to their

1 apartment on prior occasions to get paid and turn in receipts.
2 Agents confirm that the registered address of Godinez and
3 Jaimes was an apartment at the complex."

4 Finally, in paragraph 31, "Snodgrass claimed that Godinez
5 and/or Jaimes arranged all of the drug shipments. When either
6 of them needed a load of narcotics shipped, they would
7 contact" -- the problem is -- quoting from the report, it says,
8 "They."

9 **MS. ALLRED:** I know.

10 **THE COURT:** "They would contact her and arrange a
11 time for Godinez's cousin to drop off a load. Snodgrass
12 claimed that Godinez's cousin typically brought the drug
13 shipments to her."

14 **MS. ALLRED:** And I guess, Your Honor, what I -- it
15 does -- it appears from the reports, in hindsight, that Mr.
16 Jaimes is lumped in with a lot of conduct that involves his
17 wife. He is not innocent. He did participate. But when you
18 go back in hindsight and look at what he did and the whole -- I
19 guess the whole scope of it, I think it becomes clear that he
20 is a lesser player.

21 And I see where you are going. I mean, out of an
22 abundance of caution, it could not hurt. I hate to -- I hate
23 to keep Ms. Snodgrass here any longer than is necessary. I
24 mean, one thought that I have is to do a proffer of what her
25 testimony would be and perhaps discuss it with the government

1 and the probation office to see if the facts can be tweaked in
2 the presentence report without actually calling her. I'm just
3 trying to come up with a solution.

4 I mean, I have the report of the statements that she gave
5 to me, that she was allowed to review and change. I also gave
6 it to the agent in this case, who was able to review it. So I
7 really feel like, to a certain extent, we are on the same page,
8 just that we haven't necessarily brought anyone else into that
9 page with us. So --

10 **THE COURT:** Ms. Cole, what is the government's
11 position on this? It's -- well, I will point out what should
12 be obvious. The government -- it's the government's job not
13 just to obtain convictions but to be sure that justice is being
14 done, and I want to be sure that everyone in this courtroom,
15 including the witness, Ms. Snodgrass, is afforded every
16 opportunity that due process and justice requires.

17 Now, there are some inconsistencies here that may simply
18 be semantic inconsistencies. I'm fine with that. It can
19 happen. But what's the government's position?

20 **MS. COLE:** Your Honor, the government's position is,
21 I believe what -- more specifically, what Ms. Allred is
22 speaking to is that clarification is needed as far as what the
23 roles of each of these defendants in this case -- what their
24 roles were, according to Ms. Snodgrass. I don't want to say on
25 the record that the government would not pursue potential

1 charges against Ms. Snodgrass if something she says on the
2 stand is inconsistent. I don't believe that -- or that she
3 will get on the stand and perjure herself or lie, as far as
4 what she told to the FBI agent when she was interviewed after
5 she was arrested.

6 I think the interview that Ms. Allred has conducted with
7 her, along with the case agent, who has seen her twice since
8 she has been back in the district, I think her statements are
9 consistent with what she has already -- the information she has
10 already provided. I just think that there is some
11 clarification that is needed from Ms. Snodgrass as to the roles
12 of each of these defendants.

13 **THE COURT:** All right.

14 **MS. ALLRED:** And again, Your Honor, one possible
15 selection, but I don't know that it's the best solution, and
16 that would be for the government and I and the probation office
17 to sit down with the report of the statements that were made by
18 Ms. Snodgrass and notate where they differ from what is
19 included in the presentence report, so that as it related to
20 Mr. Snodgrass -- I'm sorry, as it related to Mr. Jaimes was
21 correct based on what the parties can agree that Ms. Snodgrass
22 would say. To the extent that we all can't agree, she is here.
23 And it may narrow down -- narrow down those issues.

24 I mean, to be clear, she is here, and she's a good
25 witness, and she knows what happened, and we can put her on the

1 stand and it will go forward, or those facts will also work if
2 probation needed to ask her questions to clarify things that we
3 couldn't all agree on. But I think that there are true
4 consistencies -- inconsistencies between the verbiage, the way
5 that Mr. Jaimes tends to be lumped into some conduct that he
6 didn't participate in, that were carried through all the way
7 into the presentence report, that if you read that presentence
8 report and take it faithfully do not support a minor role, but
9 I think that the facts in the case do. And we have nothing to
10 hide about that.

11 **THE COURT:** Let me do this. I don't think Ms. Cole
12 objects to the prosecution meeting with counsel for the
13 defendant --

14 **MS. COLE:** No, Your Honor.

15 **THE COURT:** -- and seeing if there are some
16 stipulations as to the facts or proffers of the testimony. I
17 can't be a part of either team. I'm concerned about Ms.
18 Snodgrass' constitutional rights at this point.

19 **MS. ALLRED:** Sure.

20 **THE COURT:** And I have to leave it to the government
21 and have some confidence in the government that if there's an
22 intentional misrepresentation of facts whether or not they
23 intend to proceed with criminal charges. That's not up to me.
24 That's up to the executive branch. But I don't want to be a
25 part of putting Ms. Snodgrass in a position where she does

1 exactly that, makes the government's case on either a thousand
2 and one for lying to an FBI agent or perjured testimony from
3 the stand. So if the parties can -- I guess what I'm getting
4 down to, Ms. Cole, I have to rely on the integrity of the
5 executive branch to review what facts are available to
6 determine are there simply semantical differences in what has
7 been provided and what is available in the report, or are there
8 intentional falsehoods on the part of Ms. Snodgrass that need
9 to be followed through. And that matter, that investigation,
10 that conclusion should be left to the prosecution and not to
11 me.

12 What I will say, and I will put this in as a footnote is
13 that when the Court gets ready to proceed in a sentencing
14 hearing, it relies on the report made by the probation office
15 and the presentence investigation report, and the probation
16 officers rely on what is in the reports of investigation. And
17 when there are material differences, that puts everybody in a
18 very difficult spot, particularly the probation officers.

19 Let's take a recess, then, and Ms. Allred, I invite you
20 and Mr. Pisarich and counsel for the government, as well as the
21 investigating officer, to -- and I think Ms. Allred, you've
22 even included the probation officers.

23 **MS. ALLRED:** If you think that that is acceptable.

24 **THE COURT:** I don't think there is anything that
25 would prevent it. And see what it is you can work out in the

1 form of stipulated facts or --

2 **MS. ALLRED:** Your Honor, I still have one worry
3 that -- how do we clean up the PSI? Is it sufficient to come
4 up with stipulations, or do we need to go through line by line
5 and clarify where there are things that we think need to
6 change? Because there needs to be -- it's often a problem for
7 defense counsel when there are findings by the Court that
8 aren't necessarily consistent with the PSI, and we go back
9 after the fact and really all we have is this PSI. I guess I'm
10 asking are stipulations sufficient, or do we need to --

11 **THE COURT:** Stipulations of fact, where there are
12 differences in the PSI, is what the Court will consider,
13 obviously.

14 **MS. ALLRED:** Okay.

15 **THE COURT:** And when those facts are stipulated, I
16 will take those facts and digest them and analyze them and
17 apply them to the guideline and determine is Mr. Jaimes a
18 minor -- entitled to a minor role adjustment or not, by a
19 preponderance of the evidence.

20 And parenthetically, we need to discuss the issue related
21 to the firearm as well because that's an application of the
22 guidelines as opposed to -- it doesn't seem to be a dispute
23 about the fact that Ms. Snodgrass had a pistol at the time that
24 she was arrested and that -- I think what you are telling me is
25 that both defendants knew that she had a pistol.

1 **MS. ALLRED:** Well, if Snodgrass was going to testify,
2 that is what she would testify to.

3 **THE COURT:** I will take a recess, and y'all let me
4 know when you are ready.

5 **(RECESS TAKEN AT 10:46 A.M. UNTIL 1:10 P.M.)**

6 **THE COURT:** Is the government ready to proceed?

7 **MS. COLE:** Yes, Your Honor.

8 **THE COURT:** Are the defendants ready to proceed?

9 **MS. ALLRED:** Defendant Jaimes is ready to proceed.

10 **MR. PISARICH:** Defendant Godinez is ready to proceed,
11 Your Honor.

12 **THE COURT:** All right. Then I turn, Ms. Allred, to
13 you because the only objection here which requires some
14 additional facts is the objection that your client has made in
15 regard to the -- his minimal participation. Do you intend to
16 call any witnesses?

17 **MS. ALLRED:** Your Honor, in an effort to avoid having
18 to call Ms. Snodgrass to the stand, I sat down and met with the
19 probation officer, the prosecutor and co-counsel in an attempt
20 to reach a series of stipulations. We maintain the position
21 that compared to others involved in this offense that Mr.
22 Jaimes was a minor participant, and that the original reports,
23 while they made their best effort to get things accurate, don't
24 give the flavor for his participation, that what he did, he did
25 at the behest of his wife and that his role was relatively

1 minor.

2 So we have attempted to clarify where we think that the
3 presentence report is not accurate in that it tends to lump Mr.
4 Jaimes in with all of his wife's conduct.

5 We've attempted to do this to avoid calling Ms. Snodgrass
6 to the stand. I am still perfectly willing, if the Court feels
7 that it needs additional information, to put her on the stand
8 and fill in any of the blanks that there are concerning this
9 conduct. I feel like I don't necessarily need to, that the
10 facts are sufficient to establish a minor role, and it is my
11 understanding that the government agrees that this defendant
12 should get a minor role. And we've tried to resolve this in a
13 way that did not involve jeopardizing Ms. Snodgrass. It's a
14 bit of a difficult position to no end because I don't know
15 whether I need to call any further witnesses.

16 **THE COURT:** It's up to you.

17 **MS. ALLRED:** On advice of co-counsel, he suggested
18 that we enter these stipulations into evidence in lieu of the
19 testimony. Certainly Ms. Snodgrass is available, and should
20 the Court feel that there are gaps in the evidence that you
21 need to have in order to make an informed decision, we are
22 available to call her. However, we will rest on these
23 stipulations.

24 **THE COURT:** Any objection -- are these your
25 stipulations as well, Ms. Cole, on behalf of the government?

1 **MS. COLE:** Yes, Your Honor. As Ms. Allred stated, we
2 all met with Ms. Snodgrass and went over, asked her specific
3 questions. Ms. Allred transcribed the information that Ms.
4 Snodgrass provided, and we asked her to clarify anything that
5 we needed, and we made sure that what was placed into these
6 stipulations were accurate, and we all agreed they were
7 accurate. So the government does agree with the stipulations.

8 **THE COURT:** All right. It will be marked and
9 admitted as Defense Exhibit Number 1 to this sentencing
10 hearing. Please provide it to the clerk.

11 **(EXHIBIT D-1 MARKED)**

12 **THE COURT:** All right. Anything else on behalf of
13 the defendant, Mr. Jaimes?

14 **MS. ALLRED:** Not in terms of evidence, unless the
15 Court would like more information about the total organization.
16 Again, I'm attempting to abbreviate and minimize exposure for
17 Ms. Snodgrass. We could probably talk about things that went
18 on all day long, but what we are attempting to demonstrate is
19 that when you consider the participants in this, Mr. Jaimes was
20 on the low end of the totem pole.

21 **THE COURT:** This stipulation that the government and
22 the defendant have entered into would tell me what Mr. Jaimes'
23 participation is insofar as Ms. Snodgrass is concerned, but it
24 gives me no information whatsoever as to what Mr. Jaimes'
25 participation was in the overall conspiracy and what makes him

1 substantially less culpable than any other member. This just
2 tells me what he did with her. I have no idea what he did with
3 others, and there's no evidence in that regard. Do you intend
4 to offer any evidence in that regard?

5 **MS. ALLRED:** I guess, Your Honor, the evidence in
6 this case came from Ms. Snodgrass to a large extent. His role
7 in the offense was set by the statements that Ms. Snodgrass
8 provided in her proffer. So I'm attempting, in establishing
9 what his role in the offense is, to -- I guess to --

10 **THE COURT:** Let me help you with that. You're trying
11 to encapsulate what Mr. Jaimes' role is based on what he did
12 with Ms. Snodgrass. This is a conspiracy case, which involves
13 a lot of other players, and the burden is upon the defendant to
14 demonstrate to me by a preponderance of the evidence, and there
15 must be some evidence that tends to indicate that his
16 participation in that overall conspiracy is less culpable,
17 substantially less culpable than the ordinary participant.
18 Now, Ms. Snodgrass was able to tell me what he did insofar as
19 she is concerned, but there is no evidence before the Court at
20 this time as to what he did insofar as any of the other
21 participants are concerned. And I can't sit here and just
22 guess at it. As a matter of fact, if I were asked to guess, it
23 would not go well for the defendant.

24 **MS. ALLRED:** Understood. I would call Agent Jason
25 Dufault to the stand.

1 **THE COURT:** You may proceed.

2 **JASON DFAULT,**

3 **having first been duly sworn, testified as follows:**

4 **DIRECT EXAMINATION**

5 **BY MS. ALLRED:**

6 Q. Thank you, sir. Would you state your name, please, for
7 the record?

8 A. Jason Dufault.

9 Q. And how are you employed, sir?

10 A. I'm employed as a Special Agent with the FBI.

11 Q. How long have you been with the FBI?

12 A. Approximately three years.

13 Q. And you are the lead case agent in this case; is that
14 correct?

15 A. That is correct.

16 Q. Would you state, please, how your office and you
17 particularly were alerted to how this case began?

18 A. It originally started in December of 2016. We had a
19 six-kilo seizure of methamphetamine on I-10, and Tiffany
20 Snodgrass was arrested. From there, through cell phone
21 extractions and through several statements by Ms. Snodgrass, we
22 identified Alfonso Jaimes and Maria Teresa Duarte as Tiffany's
23 facilitators.

24 Q. Okay. Now, we are going to go back to that in a moment,
25 but did your investigation lead you to conclude that prior to

1 her trip to Mississippi, that Ms. Snodgrass was working for
2 some other people involved in drug trafficking?

3 A. That is correct, yes.

4 Q. And who are those people?

5 A. So it's a familial connection to Ms. Duarte. It is Jacob
6 Duarte and Antonio Duarte Godinez were her original points of
7 contact for this drug trafficking organization.

8 Q. So would it be fair in saying that when Ms. Snodgrass
9 began, she was working for two men named Otoniel and Jacob? Is
10 that right?

11 A. Correct. Jacob and Tony is what she knew them as.

12 Q. And these two defendants are related to Ms. Godinez; is
13 that right?

14 A. Yes.

15 Q. At some point, Ms. Snodgrass began working or dealing with
16 someone else; is that right?

17 A. Correct.

18 Q. And who was that?

19 A. So after a period of about six to eight months, Ms.
20 Snodgrass was introduced to Ms. Duarte through her brothers.

21 Q. Okay. And why did that shift take place?

22 A. In Ms. Snodgrass' own words, she stated the two brothers
23 weren't looking out for her best interest. They were -- she
24 quoted saying that she felt like a sitting duck. Sometimes she
25 would make a drug shipment and be waiting in a parking lot for

1 an extended period of time, and things were not running as
2 smoothly as she would have liked.

3 Q. Okay. So she began dealing with Ms. Godinez; is that
4 correct?

5 A. Yes.

6 Q. Now, how did Godinez and Ms. Snodgrass communicate?

7 A. Primarily through -- within her phone, she had three
8 contacts. One was Teré, the other was Teré2, and the third
9 contact was Teré husband.

10 Q. Okay. So let's talk about that. You obtained phone
11 records for both Ms. Snodgrass and Ms. Godinez and Mr. Jaimes;
12 is that right?

13 A. I believe so, yes.

14 Q. And without nailing you down too specifically, can you --
15 approximately how much -- how many contacts were there between
16 Ms. Snodgrass and Ms. Godinez's phone?

17 A. So it was for just a pretty short duration. I don't know
18 if -- it was never brought up if Tiffany deleted the contacts
19 on her phone or whatever the case may be, but there were
20 several communications between Snodgrass and Ms. Duarte.

21 Q. Is it fair to say there were hundreds? I don't want to
22 put words in your mouth.

23 A. Certainly from the toll records, but we did a cell phone
24 dump of both of Tiffany's phones, and there were not hundreds
25 of messages between them, but there were several text chains

1 that referenced drug-related activities.

2 Q. Okay. And these messages tend to indicate it was Ms.
3 Godinez and not Mr. Jaimes that was arranging for shipments and
4 facilitating these shipments; is that right?

5 A. That would be correct, yes.

6 Q. Okay. Now, in fairness, there were some communications
7 between Ms. Snodgrass and Mr. Jaimes; is that right?

8 A. Yes.

9 Q. Okay. Now, is it also fair to say that in clarifying the
10 reasons for those calls, that Ms. Snodgrass advised that she
11 only called Mr. Jaimes when she needed to get in touch with Ms.
12 Godinez. Is that fair?

13 A. That is a fair assessment. She did also state that when
14 she needed to obtain personal stashes of meth, that she would
15 contact Mr. Jaimes direct.

16 Q. All right. And Ms. Snodgrass was a methamphetamine user;
17 is that right?

18 A. She was.

19 Q. And do you know if Mr. Jaimes also used methamphetamine?

20 A. I was not generally aware of his drug habits.

21 Q. Okay. Now, did Ms. Snodgrass also advise you of other
22 people that were involved in -- in the organization in Texas?

23 A. She did.

24 Q. Can you provide an overall, I guess, description of the
25 organization, perhaps starting here and moving out?

1 A. Okay. So we have Ms. Snodgrass, who's the courier that we
2 identified. Taking that one level further to her facilitators,
3 we identified the two codefendants, along with Jacob Duarte and
4 Antonio Duarte Godinez. From there, it kind of branched out.
5 We did a phone dump on Ms. Duarte's cell phone post arrest and
6 identified her Mexican source of supply that she was
7 communicating with. And through some proffers with them, they
8 identified her source of supply.

9 Additionally, there are 43 other subjects related to this
10 DTO that were federally indicted out of the Western District of
11 Texas, so there's a substantial amount of crossover with our
12 three subjects here in Mississippi and with the Western
13 District of Texas.

14 Q. Okay. And if I can, let me follow up on a couple of
15 things that you stated. You stated that based on looking at
16 the phone records, and specifically Ms. Godinez's phone, you
17 were able to identify the source of supply; is that right?

18 A. Correct.

19 Q. And there were contacts between Godinez's phone and the
20 source of supply; is that right?

21 A. Yes.

22 Q. Are you aware or do you have evidence of any contacts on
23 the part of Mr. Jaimes and any Mexican source of supply?

24 A. Other than him being referenced by name in numerous
25 conversations with the source of supply and Duarte, I have no

1 evidence that he directly contacted the Mexican source of
2 supply.

3 Q. Okay. Well, let's follow up on that.

4 A. Okay.

5 Q. There were -- is it fair to say that there were messages
6 on Ms. Godinez's phone with a third party where they asked Mr.
7 Jaimes to transport money and/or drugs?

8 A. Yes.

9 Q. Did those messages also indicate that Mr. Jaimes, for
10 various reasons, wasn't going to do that or did not want to do
11 that or would not do that?

12 A. The one particular example that I read to you, he declined
13 to take that shipment. There are other text messages where it
14 appears more so related to the money shipment that he did make
15 trips.

16 Q. Okay. And to be fair, when you met with Mr. Jaimes --

17 **THE COURT:** Wait just a minute, because I'm becoming
18 confused. When you say money shipments, he made trips, are you
19 referring to Mr. Jaimes made trips to deliver money shipments?

20 A. Yes, Your Honor.

21 **THE COURT:** To whom?

22 **THE WITNESS:** They were to recipients that were
23 directed by the Mexican source of supply.

24 **THE COURT:** But not exclusively to Ms. Snodgrass?

25 **THE WITNESS:** Correct. The review period where I'm

1 looking at this activity was a year after Ms. Snodgrass had
2 already been arrested. This is from 2017.

3 **THE COURT:** So the conduct that Mr. Jaimes engaged in
4 in delivering monies to Ms. Snodgrass, he also did that with
5 other drug couriers. Would that be accurate?

6 **MS. ALLRED:** Well --

7 **THE COURT:** Wait just a minute now. Would that be
8 accurate?

9 **THE WITNESS:** There is some information in the text
10 messages that suggests that he was paying a truck driver
11 courier a percentage to make deliveries, based off of the text
12 conversations.

13 **THE COURT:** And this is the defendant, Mr. Jaimes?

14 **THE WITNESS:** Mr. Jaimes is in concert with Ms.
15 Duarte. At times it's very difficult to separate which one was
16 involved in what activity because he primarily drove for her,
17 and his English was much better. So he, a lot of times, acted
18 as a translator on her behalf, so it's very difficult for me to
19 accurately assess separate roles, in a sense, because they are
20 together.

21 **THE COURT:** Fair enough. Go ahead.

22 **BY MS. ALLRED:**

23 Q. And to follow up on those questions, when you take a step
24 back looking at relative roles, would you have described Mr.
25 Jaimes as being on equal footing with his wife, or with the

1 brothers, or would you have described him as a different sort
2 of role?

3 A. Right. I believe that Ms. Duarte, by all accounts, she
4 did the bookkeeping for the U.S. segment of this drug
5 trafficking organization. He did not work in that capacity.
6 His roles were much more of kind of a worker bee. He would do
7 things with Ms. Duarte, but he, I don't believe, had the level
8 of responsibility where he was accounting for money and drug
9 amounts or logistics or anything like that.

10 Q. Okay. And that leads me to another question of what you
11 testified to. You know, you said that Ms. Snodgrass -- I guess
12 you lumped Ms. Jaimes in as a -- Mr. Jaimes in as a facilitator
13 with his wife, but the facilitating was actually done by whom
14 in this case?

15 A. I guess it depends on what the definition of facilitating
16 is.

17 Q. Who made arrangements for pickups?

18 A. So Maria would organize -- from my understanding, she
19 would call Tiffany and say, we need -- you know, this is just
20 an example -- we need six kilos shipped to Atlanta, and it
21 would be Maria that would handle the logistics segment of that.

22 Now, as far as whoever met up with Tiffany to pay her for
23 her services after she made the trip, both of them would be
24 together. So if he is a facilitator in that sense, he is
25 paying her for her shipment, but he's not doing the main

1 administrative logistics that is required with these drug
2 shipments.

3 Q. Okay. Did he have any sort of ownership interest in the
4 shipments?

5 A. In the sense was he profiting from that activity?

6 Q. They weren't his drugs, were they?

7 A. They were not his drugs. They were not his drugs.

8 Q. Did he have any decision-making authority or discretion
9 concerning how these -- I guess how the organization operated?

10 A. Not in my investigation, I did not determine that.

11 Q. Okay. Were there statements made by Ms. Snodgrass based
12 on her observation of how everything worked and went down that
13 the others sort of didn't want to give Mr. Jaimes a very
14 important role, based on his drinking?

15 A. Right. She had made the comment that he wanted a higher
16 role in the organization, but they would not allow for it, and
17 that he was really a nobody, in her words, as far as this drug
18 trafficking organization was concerned.

19 Q. Okay. And that's what Ms. Snodgrass said. She referred
20 to him in the context of this organization to be nobody. Is
21 that --

22 A. Yes.

23 Q. Okay. Now, you testified that -- let me ask you, if I
24 can, to sort of help create a big picture of hierarchy, if I
25 can. If you were to pinpoint who would be sort of at the top

1 of this organization in terms of responsibility for the drugs
2 or top of the food chain, if you will, just for lack of a
3 better word, who would you put at the top from who you know
4 that was involved?

5 A. Based on who I know, it's the Mexican source of supply
6 that was communicating with Ms. Duarte, and he was identified
7 as Alejandro Viagas.

8 Q. Okay. And underneath him, to the extent of your
9 investigation, it would have involved who?

10 A. He was communicating to Maria, who in turn would -- in my
11 investigative opinion, I believe that her two brothers and her
12 were essentially on the same footing.

13 Q. Okay. But then there were also others involved as well.
14 There were certain cousins, were there not, of the Duarte
15 Godinezes?

16 A. Right.

17 Q. And who were those people?

18 A. So there was Guillermo Juarez and Alejandro Mesa Palisios.
19 They were two relatives. I'm not sure if Guillermo actually
20 was a relative of hers, but they were the cooks in a sense.
21 They transferred the methamphetamine from liquid to crystal
22 form in a clandestine lab in Cedar Creek, Texas. So there were
23 numerous players involved in the Austin area in this DTO. I
24 mean, like I said, 43 people were federally indicted out of
25 Texas. So in the grand scheme of this conspiracy, I would

1 characterize Mr. Jaimes' role as a relatively low player in the
2 grand scheme of the conspiracy.

3 Q. Okay. And in fact, there were times, were there not, when
4 Ms. Godinez and Mr. Jaimes weren't together. They had split
5 up; is that correct?

6 A. On occasion, there were times.

7 Q. Right. And there was even a period when he was
8 incarcerated, a brief period during this offense conduct when
9 he was in jail; is that right?

10 A. Right, on December 14th of 2016. He was arrested for a
11 driving under suspension violation.

12 Q. Based on the intel that you have received, during those
13 periods when Godinez and Jaimes were on the outs, and while he
14 was in jail, did operations continue, business as usual, even
15 in his absence?

16 A. Yes.

17 Q. Okay. Now, one of the brothers, let's talk a little bit
18 about one of the brothers, Otoniel. Am I saying that right?
19 Is that the right name? Otoniel?

20 A. I believe Otoniel.

21 Q. Otoniel?

22 **MS. ALLRED:** I should probably ask you, Judge, the
23 correct pronunciation of that.

24 **BY MS. ALLRED:**

25 Q. But Otoniel --

1 A. Yes.

2 Q. -- he was arrested in Texas; is that correct?

3 A. That's correct.

4 Q. And he was arrested selling two kilograms of
5 methamphetamine; is that right?

6 A. From my understanding, it was two kilograms. I know you
7 had brought up a higher value. I'm not aware of any other
8 information.

9 Q. Okay. But in any event, he was arrested and charged
10 federally in this case; is that right?

11 A. Correct.

12 Q. And he received 135 months as his sentence; is that right?

13 A. I have not seen -- I've just -- I was told by you that
14 that was the time he received, yes.

15 **MS. ALLRED:** May I approach?

16 **THE COURT:** You may.

17 A. And this is a possession charge, not a conspiracy charge,
18 so it's a different offense that he's been charged with, but,
19 yes, he got 133 months.

20 **BY MS. ALLRED:**

21 Q. Okay. And that's a valid point. He was ultimately
22 charged and pled guilty to possession with intent to
23 distribute, right, instead of the conspiracy?

24 A. Yes.

25 Q. But based on your investigation of the case, would you say

1 that Otoniel Duarte Godinez was higher up in the organization
2 than Mr. Jaimes?

3 A. Certainly higher up than Mr. Jaimes, yes.

4 **MS. ALLRED:** May I approach to retrieve that?

5 **THE COURT:** Sure.

6 **MS. ALLRED:** If I could have just a moment, Your
7 Honor.

8 **THE COURT:** Sure.

9 **BY MS. ALLRED:**

10 Q. Now, you referenced some brothers that were -- I'm sorry,
11 some relatives that were possibly cooking up or rocking up the
12 methamphetamine once it came to --

13 A. Yes.

14 Q. All right. Where would you put them in the hierarchy,
15 starting with the Mexican source and then going down to the --
16 Ms. Godinez's brothers and Ms. Godinez? Where did they fall?

17 A. That would be difficult to make a really -- to
18 differentiate between their roles and, say, that of Jacob, Tony
19 and Maria.

20 Q. Okay.

21 A. It would be difficult to make an assessment.

22 Q. Okay. But based on your testimony, you do not consider
23 Mr. Jaimes' role in the offense to be on par with those
24 brothers and Maria; is that fair?

25 A. From what I know about it, there's nothing that I could

1 say he was necessarily on the same level as those other
2 players. But like I said earlier, according to Tiffany's own
3 admission, he accompanied Maria on 80 percent of the times, so
4 it's difficult to really separate their two roles when we are
5 talking about the facilitation of drug shipments.

6 Q. Sure. Well, Ms. Snodgrass, who we've all had an
7 opportunity to interview, she did not have a problem
8 differentiating between their roles, did she? Who did she work
9 for, based on her own statements?

10 A. What she stated is she worked for Teré, yes.

11 Q. And she described Mr. Jaimes as -- what were your words?

12 A. She described him as a nobody.

13 **MS. ALLRED:** No further questions.

14 **THE COURT:** Mr. Pisarich, do you wish to ask this
15 witness any questions?

16 **MR. PISARICH:** Could I ask a couple of questions,
17 Your Honor?

18 **THE COURT:** Sure.

19 **CROSS-EXAMINATION**

20 **BY MR. PISARICH:**

21 Q. Before my client, Ms. Godinez, got involved in this drug
22 trafficking organization, it was more or less, at least in the
23 U.S., being run by her brothers; is that correct?

24 A. Correct.

25 Q. All right. And at some point in time, and I want to go

1 quickly here, there came a time when Ms. Snodgrass became
2 disenchanted with them as far as how they were handling her,
3 correct?

4 A. Yes.

5 Q. And then Ms. Godinez basically came in between the two of
6 them; is that correct?

7 A. Yes.

8 Q. All right. Do you have any information that Ms. Godinez
9 was involved with this drug trafficking organization prior to
10 that time?

11 A. No, I don't.

12 Q. Okay. And would you at least -- so whatever time Ms.
13 Snodgrass said she began working back with the organization
14 after she had a falling out with the brothers, that would have
15 been the beginning point in time as far as Ms. Godinez working
16 for the organization; is that not correct?

17 A. That is correct.

18 Q. All right. At the time even after she became working with
19 the organization, would you put her at least under a rung, as
20 far as the chain of command, as far as under her brothers?

21 A. I think they had separate roles. She was -- she presented
22 as the accountant for this drug trafficking organization.

23 Q. Right.

24 A. I have drug ledgers that we recovered from her phone that
25 an expert at the Cryptanalysis and Records Racketeering Unit at

1 the FBI lab determined were ledgers for methamphetamine. I
2 have 137 pages of text messages between Ms. Duarte and her
3 Mexican source of supply, so it's difficult for me to determine
4 that her role was lesser than theirs because they had different
5 roles in this organization.

6 Q. I'm not trying to win her a minor participant role here.
7 I'm just trying to put it in terms of hierarchy. In other
8 words, before she got involved, the brothers were there, and
9 then Ms. Snodgrass. And then she got involved, and the
10 brothers were still there, and Ms. Snodgrass started back.
11 That's what I'm getting at. Wouldn't she be somewhere in
12 between? Not saying she is a minor participant. I'm not
13 trying to argue that.

14 A. Um-hm. So the information that I have, yes, they were
15 involved in the conspiracy a lot longer than she was, in my
16 opinion.

17 Q. Okay. And by the way, you mentioned about the drug or the
18 wire transfers of money down to Mexico, right?

19 A. Yes.

20 Q. It was somewhere in the nature of about 150 of them, were
21 there not?

22 A. Yes.

23 Q. And none of them -- none of any individual one was over a
24 thousand dollars, was it?

25 A. Correct.

1 **MR. PISARICH:** I don't have any questions.

2 **THE COURT:** Do you have any questions for the
3 witness, Ms. Cole?

4 **MS. COLE:** No, Your Honor.

5 **THE COURT:** Agent Dufault, I have some questions.

6 **THE WITNESS:** Yes, sir.

7 **THE COURT:** Now, I was unaware that there was an
8 investigation, and I don't know whether it is completed or not,
9 in the Western District of Texas. And what I'm trying to
10 determine here is whether there's any evidence that I can hang
11 my hat on that would tend to show that this defendant is
12 substantially less culpable than others. And what I have right
13 now is Ms. Snodgrass' participation.

14 Were you able to identify or were you able to determine
15 whether or not Ms. Godinez and Mr. Jaimes had other couriers
16 that worked for them other than Ms. Snodgrass?

17 **THE WITNESS:** So with the examination of the text
18 messages that were recovered from her phone, they make numerous
19 references to a truck driver. And from proffers and other
20 things, we determined that that was another courier that was
21 involved in this drug trafficking organization. So I do have
22 information to suggest that they were not exclusively dealing
23 with Ms. Snodgrass, as far as transporting money and drugs.

24 **THE COURT:** So you can identify at least one
25 additional courier?

1 **THE WITNESS:** Yes, Your Honor.

2 **THE COURT:** But you can't tell me one way or the
3 other whether there were one or ten or twenty?

4 **THE WITNESS:** Correct.

5 **THE COURT:** And you cannot tell me what Mr. Jaimes'
6 participation would have been insofar as those other couriers
7 were concerned, one way or the other?

8 **THE WITNESS:** Correct, Your Honor.

9 **THE COURT:** It would be -- on my part, I would have
10 to speculate that it's either more involved or less involved or
11 the same amount involved as it was with Ms. Snodgrass? That's
12 all I've got?

13 **THE WITNESS:** Yes, Your Honor.

14 **THE COURT:** All right. Thank you. You may step
15 down. Who is your next witness?

16 **MS. ALLRED:** I don't intend to call any additional
17 witnesses.

18 **THE COURT:** Does the government intend to call any
19 witnesses?

20 **MS. COLE:** No, Your Honor.

21 **THE COURT:** And Mr. Pisarich, do you intend to call
22 any witnesses?

23 **MR. PISARICH:** No, Your Honor.

24 **THE COURT:** All right. Let me take these objections,
25 then, one at a time as they relate to both of the defendants.

1 There's an objection as to the inclusion of an enhancement for
2 the possession of a firearm. The firearm was in the possession
3 of Ms. Snodgrass at the time that she was arrested. And I
4 think even the stipulation of Ms. Snodgrass' testimony would
5 tend to show that she was, in fact, in possession of that
6 firearm, and that both defendants, Ms. Godinez and Mr. Jaimes,
7 were aware that she possessed a firearm. It was possessed
8 during a drug trafficking offense, and not only was it
9 reasonably foreseeable by both of these defendants that one of
10 their co-conspirators would possess it, but they actually knew
11 that she possessed a firearm during and in relation to the drug
12 activities. Therefore, that objection is overruled as to both
13 defendants.

14 With regard to the defendant Mr. Jaimes' objections to the
15 calculation regarding his entitlement to a minor participant,
16 that objection is overruled. The burden is on the defendant to
17 prove by a preponderance of the evidence that he is
18 substantially less culpable than any of the other participants
19 within this -- what by all appearances is a mass -- massive
20 conspiracy. I am not impressed by the government's concession
21 that Mr. Jaimes is less culpable, substantially less so than
22 anyone else, and I am not impressed by the absence of evidence
23 for me to speculate that his participation was limited only to
24 his involvement with Ms. Snodgrass. In fact, my experience
25 tells me that I can certainly infer that Mr. Jaimes'

1 participation, which even by Ms. Snodgrass has been
2 characterized as a facilitation by translation and exchange of
3 money, but that same facilitation and that same participation
4 would have been extended to the other couriers and to the other
5 hierarchy contained in the -- within the organization.

6 It is my conclusion and it is my finding that the
7 defendant has failed to demonstrate by a preponderance of the
8 evidence that he is substantially less culpable than any of the
9 other participants. That objection is overruled.

10 Insofar as the calculation of the guidelines are
11 concerned, I will take these one at a time, and then we will
12 move on to the statutory sentencing factors. Let me get my
13 work station put together here a little bit better.

14 The Court has ruled on the objections insofar as the case
15 of United States versus Alfonso Fonty Jaimes. I do adopt the
16 presentence investigation report without change, having ruled
17 on the objections made by the defendant. I do note for
18 purposes of the record that the account of conviction does
19 carry a mandatory minimum term of imprisonment. I also find
20 that by applying the facts contained in the presentence
21 investigation report and the facts adduced here at the hearing
22 that the total offense level is a level 39, with a criminal
23 history category of IV. This yields, under the guidelines, a
24 sentencing imprisonment range of 360 months to life
25 imprisonment, supervised release range of five years, a fine

1 range of 50,000 to \$10 million, and the Court is aware of no
2 additional materials which would justify a departure under the
3 provisions of the advisory guidelines.

4 Insofar as the case of United States of America versus
5 Maria Teresa Duarte Godinez, the Court does adopt the
6 presentence investigation report without change. Having ruled
7 on the objections made, the Court finds that the case does
8 involve a mandatory minimum sentence under the provisions of
9 the statute. I also find that by applying the facts as
10 contained in the presentence investigation report, as well as
11 the facts and evidence adduced here at the hearing, that the
12 total offense level in this case is a level 39, criminal
13 history category of I. This yields a sentencing imprisonment
14 range of 362 to -- 262, I'm sorry, 262 to 327 months
15 imprisonment, supervised release range of five years, a fine
16 range of 50,000 to \$10 million, and the Court is aware of no
17 additional materials which would justify a departure under the
18 provisions of the advisory guidelines.

19 Insofar as the defendant, Mr. Jaimes, is concerned, Ms.
20 Allred, do you intend to offer any additional materials which
21 would touch upon the statutory sentencing factors that the
22 Court will consider?

23 **MS. ALLRED:** Your Honor, we submitted a sentencing
24 memorandum on Mr. Jaimes' behalf I believe Monday. We would
25 ask the Court to consider that. And then we would ask the

1 Court to consider -- I don't know whether it needs to be by way
2 of an exhibit, but there is certainly no harm in admitting it,
3 the judgment in the case against Otoniel Duarte Godinez,
4 because I think it speaks to the sentencing factor concerning
5 the need to avoid unwarranted disparity in sentencing, and so
6 we would submit that as an exhibit.

7 **THE COURT:** All right. Any objection?

8 **MS. COLE:** No, Your Honor.

9 **THE COURT:** It will be marked and admitted.

10 **MS. ALLRED:** May I approach?

11 **THE COURT:** Yes.

12 **(EXHIBIT D-2 MARKED)**

13 **MS. ALLRED:** And other than argument, I don't intend
14 to submit any more evidence.

15 **THE COURT:** All right. I've got --

16 **MS. ALLRED:** Oh, the letters of support, Your Honor,
17 that were submitted additionally. I forgot about that. We
18 would ask the Court to consider those.

19 **THE COURT:** I have a series of letters, quite
20 frankly, on behalf of both defendants, and I would ask that the
21 clerk make them a part of the record in support of both of the
22 defendants. I want to be sure I get all of them in the record.
23 I don't want to leave any of them out. They are quite
24 voluminous, frankly. I think I've got them all.

25 Other than argument, Ms. Allred, anything else on behalf

1 of Mr. Jaimes?

2 **MS. ALLRED:** No, sir.

3 **THE COURT:** Mr. Pisarich, I will ask you, sir, do you
4 intend to offer any additional materials which touch upon the
5 statutory sentencing factors, other than the letters --

6 **MR. PISARICH:** No, Your Honor, other than the
7 letters. Just one thing, Your Honor, we do want to have into
8 the record. While she was incarcerated, she did complete two
9 programs, and I would like the Court to be aware of that, if
10 the Court please. May I approach and have these admitted?

11 **THE COURT:** Certainly. Do you want me to keep those
12 copies? Are those copies for the record?

13 **MR. PISARICH:** These are the copies for the record.

14 **THE COURT:** Any objection?

15 **MS. COLE:** No, Your Honor.

16 **THE COURT:** They will be marked and admitted.

17 **MR. PISARICH:** There is a Certificate of Completion
18 here, if the Court please, to the story of Jesus' life that she
19 completed in October of 2018. There is also another
20 Certificate of Achievement from the Good News Jail and Prison
21 Ministry that she completed on August 17th of 2018. We will
22 make that an exhibit as well, if you please.

23 **THE COURT:** It will be a collective exhibit as
24 Defense Exhibit Number 2.

25 **THE CLERK:** It will be D2-1.

1 **(EXHIBIT D2-1 MARKED)**

2 **MR. PISARICH:** Your Honor, before I sit down, we do
3 have a motion for variance, a motion for downward departure,
4 whenever that would come about. I just want to make the Court
5 aware of it.

6 **THE COURT:** Well, insofar as evidence is concerned,
7 insofar as materials are concerned that the Court would
8 consider, is there any additional evidence?

9 **MR. PISARICH:** No, Your Honor.

10 **THE COURT:** All right. I will hear argument and Rule
11 32 argument on behalf of both defendants here shortly.

12 Ms. Cole, on behalf of the government, are there any
13 additional materials that the government intends to offer that
14 touch on the statutory sentencing factors.

15 **MS. COLE:** No, sir, Your Honor. Just pursuant to the
16 plea agreement, the government will recommend that the Court
17 sentence both of these defendants within the lower 25 percent
18 of the guidelines range.

19 **MS. ALLRED:** Your Honor, out of an abundance of
20 caution, Mr. Jaimes -- it was mentioned in our sentencing memo,
21 so it may be a little bit redundant, but we also have
22 certificates of his Bible study. If I could, I would rather
23 proffer into the record that he participated in weekly Bible
24 study for most of the entire time that he was in Harrison
25 County, beginning in February of 2010 up through July of this

1 year. And if the government will stipulate to that, then I
2 won't feel the need to put the records themselves into
3 evidence.

4 **THE COURT:** That is a fair request. Do you stipulate
5 that, Ms. Cole?

6 **MS. COLE:** Yes, Your Honor. What were --

7 **THE COURT:** I will consider that as part of the
8 record, the completion of those two programs.

9 **MS. ALLRED:** Yes, sir. In fairness to the
10 government, though, I just want to make sure that she has seen
11 them and is okay with them.

12 **THE COURT:** Go ahead.

13 **MS. ALLRED:** Thank you, sir. And I did misstate the
14 date. It is 2018.

15 **THE COURT:** All right. Pursuant to Rule 32, Ms.
16 Allred, is there anything else that you wish to argue on behalf
17 of sentencing insofar as Mr. Jaimes is concerned?

18 **MS. ALLRED:** There is, Your Honor. We too have filed
19 a sentencing memorandum asking for a variance in this case, and
20 we think it is appropriate for another factor -- for a number
21 of factors.

22 I recognize and respect the Court's ruling concerning
23 minor role, and I think that what the parties were attempting
24 to achieve in this case was a resolution that somehow took into
25 consideration the relative roles of the people involved in this

1 organization, starting from the top down to the people who were
2 actually doing the negotiations and the logistics and rocking
3 it up, to the couriers and to Mr. Jaimes, taking not only into
4 consideration what it is that they did but how long they did it
5 as well.

6 In Mr. Jaimes' case, he was incarcerated until I
7 believe -- I have the date of April of 2015, but I'm not sure
8 that's a correct date. We can fairly say, however, that up
9 until not long before Ms. Snodgrass was arrested, he was either
10 on the run in Mexico, or when he came and turned himself in,
11 serving a time in Texas Department of Corrections. So his
12 conduct in this case, I would be surprised if it exceeded the
13 scope of two years. Okay? I think it is much less than that.

14 And we can't necessarily say that he was participating
15 with -- as Ms. Godinez's boyfriend prior to the time that they
16 got married because he was incarcerated, and they got married I
17 think shortly after his release, in September. He's writing me
18 a note. He's reminding me that even after he was locked up, he
19 was in a halfway house, which even further narrows the time he
20 would have participated in this.

21 Now, Mr. Jaimes is guilty of a crime and he pled guilty.
22 He participated in what was a widespread drug trafficking
23 organization, but he was nowhere near the top. He wasn't
24 directly at the bottom, but he was lower than many of these
25 other participants in terms of decision-making authority,

1 proprietary interest in the drugs. In terms of being essential
2 to the things that went on, he was not essential. He was
3 expendable. And that is proven by the fact that the drug
4 trafficking organization and their activities continued even
5 when he wasn't in the picture, when he and his wife were split
6 up or when he was arrested. It is without argument that at the
7 time Ms. Snodgrass took her last run, Mr. Jaimes was in jail,
8 and things continued on perfectly well without him.

9 He deserves to be punished. He recognizes that. I
10 recognize that. But when you take a step back and you look at
11 the length that he was involved and the fact that but for his
12 relationship with his wife, I'm not sure that he would be in
13 this particular entanglement right here. I think that that
14 deserves some thought in terms of the sentencing. And perhaps
15 most troubling to me is the fact that someone who is pretty
16 high up on the food chain, one of the brothers, one of the
17 brothers that Ms. Snodgrass was working for before Ms. Godinez
18 got on the scene, before Mr. Jaimes got out of jail, he did a
19 sentence of 135 months. I believe it was a downward departure
20 from a guideline range of approximately 210. He did not
21 cooperate, and he didn't even sign a plea agreement.

22 So what I'm asking for --

23 **THE COURT:** Was that a variance then?

24 **MS. ALLRED:** It was a variance.

25 **THE COURT:** All right.

1 **MS. ALLRED:** And what I'm asking for is parity,
2 something that takes into consideration while he may not
3 technically meet the definition of a minor role, that catches
4 the flavor of what it was. He was definitely involved. I
5 think Ms. Snodgrass' words for what it was: Did he make
6 decisions? No. Did he help get things done? Yes. But one of
7 the people who was making decisions got 135 months. And that
8 troubles me greatly, okay, because geography shouldn't play a
9 part.

10 **THE COURT:** Did you tell me or do you know -- it's
11 likely that you do not know. At the time that this individual
12 would have been sentenced, if it were a variance, then there
13 would have been a reason for the variance. Do you have any
14 idea what the reason for the variance was? The Court would
15 have articulated or should have articulated a reason for that
16 variance.

17 **MS. ALLRED:** I don't want to misspeak. I can tell
18 you what I know and who it came from, and you can consider it
19 for what it's worth. I did not learn until last night that
20 Otoniel Duarte Godinez had actually already been sentenced in
21 Texas. He was sentenced, I believe, in November. So this
22 morning prior to Court, I reached out to the Public Defender
23 who represented Mr. Duarte Godinez, and he said that he filed a
24 big sentencing memorandum based on the idea that the guidelines
25 are just too high for a nonviolent drug offender.

1 And so I think it possibly was -- it's just you look at
2 it, and it just doesn't sit right to think that this is the
3 sentence that he is facing. But my concern is parity, and I
4 recognize that that cuts both ways because we have a courier
5 who received a very long sentence, but I anticipate that she
6 will receive a reduction in that sentence based on her
7 cooperation in this case.

8 But -- so when you are comparing apples to apples, even if
9 you took Duarte Godinez's guideline range and brought it all
10 the way back to category I, his guideline sentence, Mr. Alfonso
11 Jaimes' guideline sentence is still twice what Mr. Duarte
12 Godinez received in Texas, and that's a big problem for me.
13 And I submit that a variance is appropriate in this case to
14 take into consideration the relative roles that each one of
15 these played.

16 And finally, I really do want to be clear that I'm not
17 downplaying what Mr. Jaimes did. And all he has asked for all
18 along is for the presentence report and his plea to reflect
19 those things that he actually engaged in. And if he's going to
20 be held accountable for the global conspiracy, all of the drugs
21 that Ms. Snodgrass did and all of Ms. Snodgrass' conduct, then
22 it should also take into consideration what his relative role
23 was.

24 **THE COURT:** All right. As always, Ms. Allred, you
25 are very articulate and candid in your arguments, and I do

1 appreciate them.

2 Mr. Pisarich, is there anything else under Rule 32, any
3 other additional comment that you wish to make before I proceed
4 to allocution?

5 **MR. PISARICH:** Relative to the motion to variance and
6 downward departure, Your Honor. As Your Honor well knows, but
7 just to reiterate all of this, my client is not a U.S. citizen.
8 She is a Mexican national. And in all likelihood, whatever the
9 sentence pronounces, at the end of that sentence, she is going
10 to be deported back to Mexico.

11 The situation as far as her category history, she's a I.
12 If you look at the presentence investigation report, she's had
13 one other arrest, and that was back in 2013, where she
14 attempted to get in the United States by declaring -- for
15 asylum, and she was arrested at that point, and that's the
16 process I guess they go through there. There was no conviction
17 to it. In any event, she is a category history I, no other
18 arrest other than the other arrest I'm talking about that was
19 in the presentence investigation report.

20 Look at the cost of incarceration relative to this matter
21 here. According to the presentence investigation report,
22 \$36,300 a month for somebody imprisoned or incarceration.

23 Look at how my client basically got involved with the
24 agent, even testified to. She got involved in this situation
25 as a result of a dispute between people that were involved in

1 the conspiracy, that being her two brothers and Ms. Snodgrass.
2 Had it not been for that dispute, I will just call it a
3 dispute, my client might not have ever been involved in the
4 drug trafficking organization.

5 And also, Your Honor, this was not a big moneymaker
6 operation for either my client, and I'm assuming it for Mr.
7 Jaimes as well.

8 The kind of exposure they placed themselves to and under
9 for the kind of money I guess that they made was just a penance
10 of -- these people weren't making ten or twenty thousand,
11 thirty thousand a month or a hundred thousand or that type
12 situation. As far as their share, they got relatively small
13 amounts of money in that regard.

14 Also, Your Honor, for Ms. Godinez, we would join in the
15 arguments of Ms. Allred relative to the sentence of the
16 brother, Otoniel, out there in Texas, of 135 months, as far as
17 parity.

18 One other thing, Your Honor, I wanted to just reiterate.
19 And again, this comes from the report that I received, and
20 that's one of the reasons why -- although I withdrew it, and I
21 think that I was right in withdrawing it, and I appreciate the
22 candor the Court had relative to the minor role participant,
23 but I hope, Your Honor, even relative to that, as far as a
24 variance, would take note of paragraph 56 in the report, where
25 it states, "The case agent stated that while her role was more

1 than that of a courier, (such as Snodgrass), she," referring to
2 Ms. Godinez, "was not in charge of operations. Godinez did not
3 make assignments, did not recruit accomplices, did not receive
4 a larger share of the profits or have decision-making
5 authority. The case agent advised that Godinez would receive
6 directions from the leader of the DTO."

7 I just wanted to bring that to the attention of the Court,
8 not trying to argue anything relative to that as far as role in
9 the offense. But when you take all of those things into
10 consideration -- and I think one of the things is the fact that
11 this is really, for all intents and purposes, her first arrest.
12 And for her to be looking at a sentence within the range of 262
13 to 327 appears to be, I would say, a little harsh, but it
14 appears to be way too harsh, and I would ask the Court to
15 consider all of these matters and to consider a reasonable
16 departure downward, insofar a variance, to give her something
17 that I consider to be reasonable, and knowing quite well,
18 knowing quite well that whatever sentence Your Honor is going
19 to give her, at the end of it, she is going back to Mexico.

20 **THE COURT:** Thank you, Mr. Pisarich. All right. Mr.
21 Jaimes, you have the right, sir, on your own behalf to say
22 anything that you wish to say before the Court imposes a
23 sentence for as long as you wish to say it. Is there anything
24 that you would like to say?

25 **DEFENDANT JAIMES:** Yes, sir. I got something

1 written, but I got something in my heart I got to speak at.

2 **THE COURT:** Go ahead.

3 **DEFENDANT JAIMES:** Your Honor, I know what I did was
4 wrong. I know that. After years of being incarcerated, I see
5 things aren't going to work out the way I was hoping. To clear
6 up the air, when I talked to the agent and when I talk to my
7 lawyer and I told them everything I done, I been honest ever
8 since. Just like this lady, Ms. Snodgrass is telling you what
9 I done, I done it. And as I told the agent, the only time I
10 touched any kind of monies was when I was went from northern
11 Texas to McCavern, didn't know where the money was coming from.
12 I might have had an idea, but I never touched no dope or
13 nothing. My involvement was the money part, and I done that a
14 couple of times.

15 I'm guilty, I'm guilty of it, but when I'm hearing 30
16 years and stuff like that, that's my whole life. I know I'm
17 guilty, and I know come from a past, I'm a drug addict, and I
18 had a bad past, and I'm not blaming anybody for that. I'm
19 asking you to have consideration. That's a long time. And
20 I've been cooperating with the agent over there, and I've been
21 asking my attorney for the last six months to come on my phone
22 because I got the information to help them out, because I
23 really want to help out to the point where I want everything
24 cleared up. That's all I got to say. I'm guilty, but just
25 like I said, God put Your Honor -- he puts all of y'all here in

1 y'all position because y'all are my authority, and I respect
2 it, but I ask for some kind of consideration because this is
3 hard to swallow. I'm a man and I'm owning up for what I done,
4 and I want to accept that. But like I said, I got a part in
5 it, and God willing, I could have -- I'm really not that person
6 they paint I was. And I'm grateful to have a good lawyer
7 fighting for me.

8 The paper right here says, Your Honor, as God is my
9 witness, I come before you humbled and ashamed of my actions.
10 I'm deeply sorry for hurting all the families directly or
11 indirectly with my actions and deeds. I just hope I can be
12 forgiven by those in the community because I know my ways are
13 not what they should have been. Now I'm going to look up and
14 use all the help and resources in my reach to better myself as
15 a son, a brother, a husband and a father. And above all, to be
16 a rightful part of my community. I also want to express my
17 respect and admiration to those who work and make an honest
18 living. I know if they can do it, so can I, with the help of
19 my God and the support of my community.

20 I sincerely apologize to the community and Your Honor.
21 This is not something that you might not hear every day, but it
22 is just being honest. I want today, tomorrow to be able to lay
23 down with the conscience that, you know, what I done, I'm going
24 to be punished for it. I'm not saying I don't. At the same
25 time, I want to live my life over, Your Honor. And Your Honor,

1 I apologize.

2 **THE COURT:** All right. Ms. Godinez, you also have
3 the right to speak on your own behalf, that is to say anything
4 that you wish to say in mitigation of the sentence. Is there
5 anything that you wish to say?

6 **MR. PISARICH:** Your Honor, she wants it translated.
7 She is going to speak in Spanish, and it's going to be
8 translated to Your Honor.

9 **THE COURT:** And tell her to speak up because I speak
10 Spanish, and I would like to hear it both ways.

11 **DEFENDANT GODINEZ:** First of all, I would like to say
12 that I'm very ashamed to be in front of you. And I want to ask
13 for forgiveness, because I know I did wrong. And this year and
14 three months I have reflected, and I have participated in every
15 spiritual activity, and I have learned a lot. I have many
16 regrets to have been a part of something that has been
17 affecting society so badly, but also to my family and to me.

18 I feel like not being part of my brother's funeral is very
19 much part of my punishment. Mr. Judge, I ask you to have
20 compassion with my sentencing. I have learned a lot, and I ask
21 for proper opportunity. This is my first and only offense, and
22 I promise you there will never be another one.

23 I want to do everything possible to finish my schooling
24 and to be a good citizen. I want to take care of my family,
25 and one day give me an opportunity to have kids. I will be

1 very grateful. With all my respects for letting me talk to
2 you.

3 **THE COURT:** Thank you. The importation and the
4 distribution of large quantities of drugs into the United
5 States is a high risk occupation. It's a high risk while it's
6 engaged in, and it's a high risk when defendants find
7 themselves being caught and brought before the bar of justice.
8 I'm going to take a short recess to consider what should be
9 done in this case. I will be in short recess until I return.

10 **(RECESS TAKEN AT 2:19 P.M. UNTIL 2:36 P.M.)**

11 **THE COURT:** I'm going to take these one at a time.
12 I'm going to begin with United States versus Maria Teresa
13 Duarte Godinez. The Court has considered the advisory
14 guideline computations, as well as the other statutory
15 sentencing factors that can be found under Section 3553(a) of
16 Title 18 of the United States Code, and it is the judgment of
17 the Court that the defendant is hereby committed to the custody
18 of the Bureau of Prisons for a term of 262 months as to the
19 single count in the indictment. Because the minimum and the
20 maximum of the guideline range does exceed 24 months, the Court
21 states that it is imposing this sentence at the lower end, at
22 the lowest end of the advisory sentencing guidelines in
23 compliance with and comporting with the recommendation of the
24 government for a sentence at the lower 25 percentile of the
25 advisory guidelines, and in order to avoid disparate sentencing

1 with similarly situated individuals.

2 I have also, in that regard, considered all of the other
3 aggravating and mitigating circumstances attended in the case.
4 It is further ordered that the defendant will pay a fine in the
5 amount of \$7,500 which is due immediately. Payment of the fine
6 shall begin while the defendant is in custody. Upon release,
7 any unpaid balance shall be paid at a rate of at least \$150 per
8 month, beginning 30 days after release from custody. This fine
9 is, of course, a downward departure from the applicable
10 advisory guideline range and is based on the defendant's
11 ability to pay. The Court finds that the defendant does not
12 have the ability to pay interest on this fine. Therefore,
13 interest is waived. In the event that the fine is not paid in
14 full prior to termination of supervised release, the defendant
15 is ordered to enter into a written agreement with the financial
16 litigation unit of the United States Attorney's office for
17 payment of the remaining balance.

18 Additionally, the value of any future discovered assets
19 may be applied to offset the balance of the criminal monetary
20 penalties. The defendant may be included in the Treasury
21 Offset Program allowing qualified federal benefits to be
22 applied to offset the balance of the criminal monetary
23 penalties.

24 Upon release from imprisonment, the defendant shall be
25 placed on supervised release for a term of five years. Within

1 72 hours of release from the custody of the Bureau of Prisons,
2 the defendant shall report in person to the probation office in
3 the district to which she is released, if not deported.

4 While on supervised release, the defendant shall comply
5 with the mandatory and the standard conditions that have been
6 adopted by the Court and shall not possess a firearm.

7 In addition, the following special condition is imposed:
8 Number one, at the completion of the defendant's term of
9 imprisonment, the defendant shall be surrendered to the custody
10 of the Immigration & Customs Enforcement for removal
11 proceedings consistent with the Immigration and Nationality
12 Act. If removed, the defendant shall not reenter the United
13 States without the written permission of the Secretary of
14 Homeland Security. The term of supervised release shall be
15 non-reporting while the defendant resides outside of the United
16 States. If the defendant reenters the United States within the
17 term of supervised release, she is to report to the nearest
18 United States Probation Office within 72 hours of her arrival.

19 The Court notes for purposes of the record that if it has
20 erred in the treatment of any of the guideline applications in
21 this case, that the Court would have imposed an identical
22 sentence pursuant to any available variance, which would have
23 been based upon the offense conduct in the case, the
24 characteristics of the defendant, and all other factors,
25 aggravating or mitigating, which can be found under Section

1 3553 of Title 18 of the United States Code.

2 I will recommend that the defendant be housed in a
3 facility closest to her home for purposes of visitation and
4 that she be allowed to participate in the Bureau of Prisons
5 500-hour drug treatment program. Anything else on behalf of
6 the government?

7 **MS. COLE:** No, Your Honor.

8 **PROBATION OFFICER:** I'm sorry, Your Honor. I did not
9 write down whether a special assessment was imposed in this
10 case. I don't remember if the Court did it or not.

11 **THE COURT:** I may not have included that, but she is
12 ordered to pay the mandatory special assessment in the amount
13 of \$100. That is due immediately. How did I miss that?
14 Anything else on behalf of the government, did you say, Ms.
15 Cole?

16 **MS. COLE:** No, Your Honor.

17 **THE COURT:** Anything else on behalf of the defendant,
18 Mr. Pisarich?

19 **MR. PISARICH:** Nothing, Your Honor, other than -- I
20 think I noted to the probation officer the new address or
21 address in California that she wanted to have referenced as her
22 home address. Is that noted?

23 **THE COURT:** She will be interviewed by the Bureau of
24 Prisons before she is designated to an institution. She will
25 need to be sure to tell them what her home address is.

1 **PROBATION OFFICER:** I would just say, there is an
2 address in the presentence report of a California address, so I
3 believe that has been taken care of.

4 **MR. PISARICH:** Very well. That's all, Your Honor.

5 **THE COURT:** Thank you, Mr. Pisarich.

6 I will take up next, United States of America versus
7 Alfonso Fonty Jaimes.

8 The Court has considered the advisory sentencing
9 guidelines and the other sentencing factors that can be found
10 under Section 3553(a) of Title 18 of the United States Code,
11 and it is the judgment of the Court that the defendant is
12 hereby committed to the custody of the Bureau of Prisons to be
13 imprisoned for a term of 262 months. The Court notes for
14 purposes of the record that this constitutes a substantial
15 variance. It is a variance downward from the applicable
16 advisory Federal Sentencing Guidelines. The Court notes that
17 the purpose of this variance is to avoid disparate treatment of
18 this defendant, that is, a sentence that is more severe than
19 similarly situated defendants, and it is well within or below,
20 actually, the recommendation of the government of a sentence in
21 the lower 25 percentile.

22 I will make this comment, Mr. Jaimes. Mr. Jaimes and Ms.
23 Godinez were partners in crime. They were partners in a
24 conspiracy, and they were partners in the fruits of that crime,
25 and I see no reason why they should not be sentenced equally.

1 It is further ordered that the defendant shall pay a fine
2 in the amount of \$25,000. That is due immediately. This fine,
3 of course, represents another downward departure and is based
4 upon the defendant's ability to pay. Payment of the fine shall
5 begin while the defendant is incarcerated. Upon release, any
6 unpaid balance shall be paid at a rate of at least \$150 per
7 month, with the first payment due 30 days after release from
8 imprisonment. The Court finds that the defendant does not have
9 the ability to pay interest on this fine. Therefore, the
10 interest is waived. In the event the fine is not paid in full
11 prior to termination of supervised release, the defendant is
12 ordered to enter into a written agreement with the financial
13 litigation unit of the United States Attorney's office for
14 payment of the remaining balance.

15 Additionally, the value of any future discovered assets
16 may be applied to offset the balance of the criminal monetary
17 penalties. The defendant may be included in the Treasury
18 Offset Program allowing qualified federal benefits to be
19 applied to offset the balance of the criminal monetary
20 penalties.

21 Upon release from imprisonment, the defendant shall be
22 placed on supervised release for a term of five years as to
23 Count 1 of the indictment. Within 72 hours of release from
24 custody of the Bureau of Prisons, the defendant shall report in
25 person to the probation office in the district to which he is

1 released. While on supervised release, the defendant shall
2 comply with the mandatory and the standard conditions that have
3 been adopted by the Court and shall not possess a firearm.

4 In addition, the following special conditions are imposed:
5 Number one, the defendant shall not -- or shall provide the
6 probation office with access to any requested financial
7 information.

8 Number two, the defendant shall not incur new credit
9 charges or open additional lines of credit without the approval
10 of the probation office and unless the defendant is in
11 compliance with the installment payment schedule.

12 Number three, the defendant shall participate in a program
13 of testing and/or treatment for drug or alcohol abuse as
14 directed by the probation office. If enrolled in a drug or
15 alcohol treatment program, the defendant shall abstain from
16 consuming alcoholic beverages during treatment and shall
17 continue to abstain for the remaining period of supervision.
18 The defendant shall contribute to the cost of treatment in
19 accordance with the probation office co-payment policy.

20 Number four, the defendant shall not possess, ingest or
21 otherwise use a synthetic cannabinoid or a synthetic narcotic
22 unless it is prescribed by a licensed medical practitioner and
23 for a legitimate medical purpose.

24 Number five, in the event the defendant resides in or
25 visits a jurisdiction where marijuana or marijuana products

1 have been approved, legalized or decriminalized, the defendant
2 shall not possess, ingest or otherwise use marijuana or
3 marijuana products unless prescribed by a licensed medical
4 practitioner and for a legitimate medical purpose.

5 And number six, the defendant shall submit his person,
6 property, house, residence, vehicle, papers, electronic
7 communication devices or office to a search conducted by a
8 United States Probation Officer. Failure to submit to search
9 may be grounds for revocation of supervised release. The
10 defendant shall warn any other occupants that the premises may
11 be subject to searches pursuant to this condition. An officer
12 may conduct a search only when reasonable suspicion exists that
13 the defendant has violated a condition of supervision and that
14 the areas to be searched contain evidence of this violation.
15 Any search must be conducted at a reasonable time and in a
16 reasonable manner.

17 If the Court has erred in the findings affecting any of
18 the applications of the advisory Federal Sentencing Guidelines
19 in this case, I note for the record that the Court would have
20 imposed an identical sentence pursuant to any available
21 variance or a non-guideline sentence which would be based upon
22 the defendant's conduct in the case, the statutory sentencing
23 factors found under Section 3553 of Title 18, and any and all
24 aggravating and mitigating circumstances attendant in the case.

25 Pursuant to Section 862 of Title 21 of the United States

1 Code, the defendant is ineligible and is deemed ineligible for
2 any and all federal benefits for a term of one year. It is
3 further ordered that he shall pay the mandatory special
4 assessment in the amount of \$100.

5 I will recommend that he be housed in a facility closest
6 to home for purposes of visitation and that he be allowed to
7 participate in any drug treatment program for which he is
8 deemed eligible by the Bureau of Prisons. Anything else on
9 behalf of the government?

10 **MS. COLE:** No, Your Honor.

11 **THE COURT:** Anything else on behalf of the defendant?

12 **MS. ALLRED:** No, sir.

13 **THE COURT:** Very well. The defendant is remanded to
14 the custody of the United States Marshals pending designation
15 to the appropriate institution.

16 Ms. Caldwell, I have not noted your good work, but thank
17 you so much for helping the Court as an interpreter. If
18 nothing else, thank you all.

19 (HEARING CONCLUDED)
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3 CERTIFICATE OF COURT REPORTER
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5 I, Teri B. Norton, RMR, FCRR, RDR, Official Court
6 Reporter for the United States District Court for the Southern
7 District of Mississippi, appointed pursuant to the provisions
8 of Title 28, United States Code, Section 753, do hereby certify
9 that the foregoing is a correct transcript of the proceedings
10 reported by me using the stenotype reporting method in
11 conjunction with computer-aided transcription, and that same is
12 a true and correct transcript to the best of my ability and
13 understanding.

14 I further certify that the transcript fees and format
15 comply with those prescribed by the Court and the Judicial
16 Conference of the United States.

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19

20 *S/ Teri B. Norton*
21 TERI B. NORTON, RMR, FCRR, RDR
22 OFFICIAL COURT REPORTER
23
24
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